the same, substantially restricts interstate commerce, and Congress may in the exercise of the power given by the commerce clause of the constitution, prohibit such contracts.

It is well settled that the Sherman Act is intended to prevent all direct restraint upon interstate commerce of any description whatever and without regard to the reasonableness of the restraint sought to be imposed. *U. S. v. Freight Ass'n,* 166 U. S. 290; *Addyston Pipe Co. v. U. S.,* 175 U. S. 211. This decision extends the operation of the Act by determining more specifically what combinations are in restraint of interstate commerce. Where a third party acquires a majority of the stock of two competing interstate railroads the restraint of interstate commerce is accomplished as effectually as though the two railroads were consolidated under a single charter. It is immaterial that the third party is a corporation. The general language used indicates an intention to comprehend every scheme that might be devised to accomplish that end.

MUNICIPAL CORPORATIONS—QUO WARRANTO—LACHES.—STATE EX REL. JACKSON V. TOWN OF MANSFIELD ET AL., 72 S. W. 471 (Mo.).—A city was not legally organized but was permitted to use its franchises for eight years. The State sought by quo warranto proceedings to deprive the town of its franchises and privileges to exist as a city. *Held,* the State was precluded by its laches.

Laches is not imputable to the government in its character as a sovereign. *United States v. Kirkpatrick,* 9 Wheat. 720, 735. Following this doctrine it would seem that a Statecould not be precluded by its laches. Yet a municipal corporation may exist by prescription. *Jameson v. People,* 16 Ill. 257. This fact shows that a State may be precluded from an information to deprive a city of its franchises, but on the ground of *acquiesence,* rather than *laches. State v. Leatherman,* 38 Ark. 81, 90.

PATENTS—RIGHT TO EQUITABLE RELIEF AGAINST INFRINGEMENT—IMMORAL USE.—FULLER V.BERGER ET AL., 120 FED 274.—The plaintiff, assignee of the inventor, used a patented device for detecting bogus coins in its gambling machines. The defendants without license applied it to gambling machines of their own make. *Held,* that the use which the owner of a patent makes of the invention can not affect his right to an injunction. Grosscup, Circuit J. *dissenting.*

What the complainant is doing with his property cannot deprive him of his right to invoke the protection of the court against infringement. *Saddle Co. v. Troxel,* 98 Fed. 620. Courts of equity will not refuse redress to the suitor because his conduct in other matters not then before the court may not be blameless. *Paper Co. v. Robertson,* 99 Fed. 985. There are, however, contrary decisions. Where a device is capable of being used for some useful purpose but in reality is used only for gambling purposes, the injunction will be denied. *Novelty Co. v. Dworzek,* 80 Fed. 902. The dissenting opinion is that though the claimant may hold a legal title, the court is under no compulsion of law to issue the writ, so long as sound considerations of public morals and conscience forbid.

PRIVATE CORPORATIONS—ILLEGAL ISSUE OF STOCK—INJUNCTION.—KRAFT V. GRIFFON CO. ET AL., 81 N. Y. SUPP. 438.—Under a statute declaring that nothing but money shall be considered as payment of any part of the capital stock